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Commissioner of Social Security will be **AFFIRMED**, and the plaintiff's complaint will be **DISMISSED WITH PREJUDICE** with each party to bear their own costs of this action. The Clerk of Court is **DIRECTED** to enter a separate final judgment in accordance with this memorandum opinion and order. The Clerk of Court shall close the record in this case.

SO ORDERED.

ENTER this the 21<sup>st</sup> day of August, 2006.

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/s/ R. Allan Edgar  
R. ALLAN EDGAR  
UNITED STATES DISTRICT JUDGE